

SCOTT N. SCHOOLS (SCSBN 9990)  
United States Attorney

BRIAN J. STRETCH (CABN 163973)  
Chief, Criminal Division

H. H. (SHASHI) KEWALRAMANI (TXSBN 796879)  
Assistant United States Attorney

1301 Clay Street, Suite 340S  
Oakland, California 94612  
Telephone: (510) 637-3717  
Facsimile: (510) 637-3724  
E-mail: Shashi.Kewalramani@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	Case No. 07-70574 WDB
	)	
Plaintiff,	)	[PROPOSED] ORDER GRANTING
	)	STIPULATION TO WAIVE TIME UNDER
v.	)	SPEEDY TRIAL CLOCK AND FOR
	)	PRELIMINARY HEARING
MICHAEL MARTIN, et al.,	)	
	)	Date: October 19, 2007
Defendants.	)	Time: 10:00 a.m.
	)	Before the Honorable Wayne D. Brazil

**[PROPOSED] ORDER**

Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. § 3161(h)(8), the parties in this matter filed a Stipulation to Waive Time Under Speedy Trial Clock and For Preliminary Hearing seeking to waive and extend the time for the preliminary hearing and to exclude the time between October 19, 2007 through October 26, 2007 from the Speedy Trial Clock. The Stipulation was signed by counsel of record as well as the defendant, Mr. McLinn knowingly and voluntarily waiving his rights to a preliminary hearing on October 19, 2007, and extending the preliminary hearing until October 26, 2007. The Stipulation also noted that the United States provided discovery to the defendant's attorneys. This information will allow the defendant's attorneys to

1 better evaluate the case and assist in preparing a defense. Counsel also acknowledged that an  
2 exclusion of time under the Speedy Trial Clock is appropriate to allow for the effective  
3 preparation of defense counsel taking into account the exercise of due diligence. Good cause  
4 appearing therefor,

5 **IT IS HEREBY ORDERED** that the period of time between October 19, 2007 and  
6 October 26, 2007 is excluded from the Speedy Trial Clock to allow counsel to effectively  
7 prepare, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The  
8 Court finds that the “ends of justice served by the granting of such continuance outweigh[s] the  
9 best interests of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(8)(A).  
10 Additionally, the Court finds that the defendant, Mr. McLinn, knowingly and voluntarily waived  
11 the period between October 19, 2007 and October 26, 2007 , such that preliminary hearing is  
12 now scheduled for October 26, 2007 at 10:00 a.m.

13 DATED:

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15 WAYNE D. BRAZIL  
16 United States Magistrate Judge  
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